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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,699	07/13/2001	Rajendra Sisodia	B-18	4754
21253	7590	05/02/2005	EXAMINER	
CHARLES G. CALL 68 HORSE POND ROAD WEST YARMOUTH, MA 02673-2516				TODD, GREGORY G
		ART UNIT		PAPER NUMBER
		2157		

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/904,699	SISODIA ET AL.	
	Examiner	Art Unit	
	Gregory G. Todd	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 February 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 and 32-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-30 and 32-39 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Response to Amendment

1. This is a second office action in response to applicant's amendment filed, 07 February 2005, of application filed, with the above serial number, on 13 July 2001 in which claims 1, 3-5, 7, 10, 11, 13, 14, 17, 20, 21, 24, 25, 30, and 35 have been amended and claim 31 has been cancelled. Claims 1-30 and 32-39 are therefore pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 recites the limitation "portable communications device" in line 9.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuster et al (hereinafter "Schuster", 6,795,429).

Schuster teaches the invention as claimed including short-range bi-directional communications between a portable device and a host computer.

As per Claim 1, Schuster teaches a method of transferring programs and data to a portable programmable data processing device from a host computer comprising, in combination, the steps of:

placing said host computer at location accessible to a user transporting said portable programmable data processing device (at least Fig. 1; voice comm. device),

accepting an installation command from said user at said host computer when said user and said portable programmable data processing device are near said host computer (at least Fig. 1; PID being near voice comm. device),

executing a program at said host computer in response to said installation command to establish a short-range bi-directional communications link between said host computer and said portable programmable data processing device and to download a communications program from said host computer to said portable programmable data processing device via said short range communications link (at least col. 15, lines 3-16; application in the first data network telephone to receive data from PID drawing application),

executing said communications program on said portable programmable data processing device to transfer one or more specified files from said host computer to said

portable programmable data processing device (at least col. 14 line 58 - col. 15 line 40; using graphical data application).

As per Claim 2. The method set forth in claim 1 wherein said step of accepting all installation command comprises using an actuator at said host computer manually operable by said user (keypad interface) (at least col. 11, lines 12-18).

As per Claim 3. The method as set forth in claim 1 wherein said one or more specified files include an application program executable by said portable programmable data processing device (at least col. 14 line 58 - col. 15 line 40; using graphical data application).

As per Claim 4. The method as set forth in claim 3 further including the step of automatically executing said application program on said portable programmable data processing device after it is transferred (at least col. 14 line 58 - col. 15 line 40; using graphical data application).

As per Claim 5. The method as set forth in claim 1 wherein said short-range bi-directional communications link is an infrared communications link (at least col. 15, lines 45-67; IrDA).

As per Claim 6. The method as set forth in claim 5 wherein said infrared communications link operates in accordance with the IrDA Protocol (at least col. 15, lines 45-67; IrDA).

As per Claim 7. The method as set forth in claim 6 wherein said one or more specified files are transferred from said host computer to said portable programmable data

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processing device using the IrDA Object Exchange Protocol (at least col. 15, lines 45-67; IrOBEX).

As per Claim 8. The method of claim 1 wherein said short-range bi-directional communications link is an ultra high frequency radio link (at least col. 14, lines 4-13; bluetooth).

As per Claim 9. The method of claim 8 wherein said short-range bi-directional communications link operates in accordance with the Bluetooth Specification (at least col. 14, lines 4-13; bluetooth).

As per Claim 10. The method as set forth in claim 1 further comprising establishing longer range communications link for transferring programs and data between one or more remote computers and said portable programmable data processing device via said host computer (at least Fig. 2; col. 7, lines 22-48; eg. Internet over PSTN/DSL, etc).

As per Claim 11. The method as set forth in claim 8 wherein said longer range communications link is a network connection to a server, which stores programs and data for use by said portable programmable data processing device (at least Fig. 2; col. 7, lines 22-48; col. 7, lines 34-48; Fig. 2; eg. Internet connecting to server).

As per Claim 12. The method as set forth in claim 11 wherein said network connection is a wireless network connection (at least Fig. 2; col. 6, lines 19-30; wireless links).

As per Claim 13, Schuster teaches an apparatus for providing information and data processing services to a mobile user which comprises, in combination,

a portable programmable computing device carried by said user (at least Fig. 2; PID),

a host computer positioned at a location accessible to said user (at least Fig. 2, 1; voice comm. device),

a short range communication link coupling said portable computing device to said host computer (at least col. 5, lines 53-61; Fig. 1, 2; eg. infrared),

means operable by said user when said portable programmable computing device is near said host computer for causing said host computer to download a communications program via said short range communication link to said portable communications device (at least col. 15, lines 3-16; application in the first data network telephone to receive data from PID drawing application),

means for initiating the execution of said communications program on said remote computing device after said download to transfer an applications program from said host computer to said portable programmable computing device (at least col. 14 line 58 - col. 15 line 40; implementing PID drawing application), and

means for initiating the execution of said applications program to provide said information and data processing services to said mobile user (at least col. 14 line 58 - col. 15 line 40; third PID drawing application being initialized for display).

As per Claim 23, Schuster teaches a communications bridge for establishing a bi-directional communications link between a portable computing device carried by a user and a remote computer, said bridge being positioned at a location accessible to said user and comprising, in combination,

a first transceiver for establishing a short range bi-directional communications link to said portable computing device when said portable computing device is carried near to said bridge by said user (at least col. 15, lines 52-67; IrDA),

a second transceiver for establishing a longer range bi-directional communications link to said remote computer (at least col. 5, lines 5-61; bluetooth, wireless),

an actuator manually operable by said user (keypad interface at PID or data network telephone) (at least col. 11, lines 12-18; col. 14, lines 22-45),

a processor connected to said first transceiver and responsive to the operation of said actuator by said user when said user and said portable computing device are near to said bridge for downloading a communications program executable by said portable computing device and for thereafter controlling said first and said second transceivers to establish said communications link (at least col. 14 line 58 - col. 15 line 40; col. 10 line 48 - col. 11 line 11; using graphical data application with processor and link interfaces).

As per Claim 30, Schuster teaches an interactive publicly viewable display for attracting the attention of and providing data services to a user transporting a portable computing device into the vicinity of said interactive display, said interactive display comprising, in combination,

means for visually exhibiting displayed information to said user (at least col. 14, lines 22-45; display output),

a transceiver for providing a short range communication link between said interactive display and said portable computing device (at least col. 14, lines 1-21; col. 15, lines 52-67; IrDA),

a processor coupled to said portable computing device via said transceiver for providing said data services (at least col. 14, lines 46-67; processor including communication software),

an actuator manually operable by said user (keypad interface at P/D or data network telephone) (at least col. 11, lines 12-18; col. 14, lines 22-45), and

means responsive to the operation of said actuator by said user when said user and said portable computing device are near said interactive display for downloading a communications program executable by said portable computing device for exchanging information with said interactive display (at least col. 14 line 58 - col. 15 line 40; col. 10 line 48 - col. 11 line 11; using graphical data application with processor and link interfaces).

As per Claim 22. Apparatus as set forth in claim 21, wherein said longer-range communications link is a local area network (at least Fig. 2; Ethernet LAN).

As per Claim 28. A communications bridge as set forth in claim 24 further including a third transceiver for establishing a short range bi-directional ultrahigh frequency radio communications link with a portable computing device (at least Fig. 3; col. 10, lines 53-67; col. 5, lines 53-61; eg. bluetooth).

As per Claim 37. An interactive display as set forth in claim 36 wherein said data services include email services and wherein said remote computer operates as an email server connected to the Internet (at least col. 7, lines 5-20; email services).

As per Claim 38. An interactive display as set forth in claim 36 wherein said data services include file transfer services and wherein said remote computer operates as a file server (at least col. 7, lines 5-20; personal information manager).

As per Claim 39. An interactive display as set forth in claim 36 wherein said data services include file synchronization services for transferring data between said remote computer and said portable computing device to maintain equivalent content in like files locally stored at both said portable computing device and at said remote computer (at least col. 7, lines 5-20; synchronized notes).

Claims 14-21, 24-27, 29, and 31-36 do not add or define any additional limitations over claims 1-13, 23, and 30 and therefore are rejected for similar reasons.

Response to Arguments

5. Applicant's arguments filed 07 February 2005 have been fully considered but they are not persuasive. Applicants argue, substantially, that Schuster fails to teach a) a mechanism for a host device actuated by a user to transfer a communication program to a device to then be executed; b) device is programmable and a communications or applications program is downloaded and executed by the PID; c) a publicly viewable display for attracting the attention of and providing data services to users of devices; and d) features of claims 3 and 4.

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In response to a), Schuster teaches, for example, a user transmitting, from one PID to another PID over a network and thru at least one host, data and application data for said another PID to receive and be able to view, such transmission accounting for at least the third data network telephone to perform conversion on the data for the another PID to be able to use the data, thus the host device being actuated upon such transmission and upon the user initiating such transmission for another PID to execute such data (at least col. 15, lines 1-40).

In response to b), Schuster teaches the PID to include and operating system as well as application and communication software to implement the functions of the PID (at least col. 14, lines 46-57). Schuster goes on to use a graphical data application and drawing application to implement the functions and transferring data to the host (at least col. 14 line 58 - col. 15 line 40).

In response to c), In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a publicly viewable display for attracting the attention of and providing data services to users of devices) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Schuster teaches a display and any display can be publicly viewable, while the display attracting the attention of and providing services to the user is not claimed.

In response to d), Schuster teaches the limitations of the dependent claims as cited in independent claim 1.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newly cited Wang, Hawkins et al, and Pivowar et al in addition to previously cited Bell, Hiscock, Cheung et al, StreetBeam.com, Nessett et al, and Spitzer et al are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G. Todd whose telephone number is (571)272-

4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/
first Fridays off.

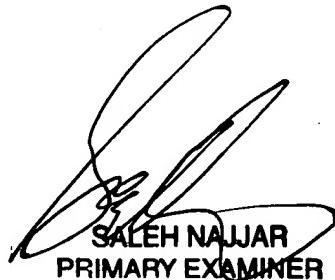
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd

Patent Examiner

Technology Center 2100



SALEH NAJJAR
PRIMARY EXAMINER